



May 25, 2006

TO: Transportation Authority of Marin Commissioners

FROM: Dianne Steinhauser, Executive Director

RE: Addendum 3 to TAM Contract with Nolte Associates, Inc. - Agenda Item 10

Dear Commissioners:

Executive Summary

TAM entered into an 18-month contract with Nolte Associates Inc. in March 2005 to provide on-call program and project management services to assist in the start-up of the agency. Last winter, the Nolte contract was amended to provide environmental and design services for the bike/ped path over Puerto Suello Hill and soundwalls to be constructed as part of the Hwy 101 Gap Closure Project. TAM is still in the process of hiring staff, as approved by the TAM Board. While that process continues, TAM staff recommend extending the Nolte contract to provide essential services.

As noted in the FY 2005-06 Budget Adjustment, additional support is being provided by the Nolte team in FY 2005-06, in the amounts of \$97,500 and \$105,400 for additional overall project support (Greenbrae Corridor and Hwy 101) as well as design activity for the Puerto Suello Hill bike/ped path and soundwall, respectively. These amounts need to be formally added to the Nolte contract as they were previously not included.

After July 1st, 2006, work on the bike/ped path and soundwall designs will continue. This additional work was not originally envisioned. Right of Way utility coordination to enable the Puerto Suello hill path and soundwalls to be advertised must be completed, right of way easements must be obtained from SMART (Linden breakaway path) and from the City of San Rafael. Separate environmental clearance and design work must be done for the new Regional Water Quality Control Board mitigation site. Design support must continue as the project enters construction. This work amounts to an additional \$142,000. Project management oversight for the going construction in central San Rafael must continue, including information management via the TAM website. The project management for the going construction as well as the Puerto Suello Hill design and delivery total \$172,500 over the next six months. The total cost for these Hwy 101 Gap Closure efforts in FY 2006-07 is envisioned at \$314,000, and will be funded from the sales tax funds under Strategy 2, the Hwy 101 Gap Closure.

Continuing into FY 2006-07 is the need to directly manage the sales tax measure Strategy 4 Safe Access to Schools program, including management of the Crossing Guard contract, the Dave Parisi/MCBC Safe Routes to School program contract, and the Safe Pathways project prioritization and approval process through the TAC and the TAM Board. While TAM's Planning and Project Delivery managers will be taking over this work, Nolte staff will provide support

during the transition period. The direct project management of this program is envisioned to cost \$60,000.

Finally, ongoing administrative support is necessary in the area of financial management, programming, and public outreach. This support is essential to meeting TAM's goals as laid out in the FY 2006-07 Workplan, and will be reduced as TAM's permanent staff get up to speed on TAM's activities. This amounts to \$230,000.

Staff recommends extending the Nolte contract an additional 6 months, to December 31, 2006, for the above described workload, not to exceed a cumulative total of \$807,400. While there will be reduction in the need for this support once TAM's new staff are fully engaged, a follow-up project and program management oversight contract is envisioned to follow this contract. Budget for these services is included in the Draft FY 2006/07 TAM Budget.

Recommendation: The TAM Board approve Addendum 3 to the Nolte Contract for additional services in the amount of \$807,400, for work indicated on Exhibit A to the Addendum.

Background

In March 2005, TAM entered into an 18-month contract with Nolte Associates, Inc. to provide on-call program and project management services to assist in starting up the Authority in its initial years of operation. Since that time, the Nolte contract has been amended twice (October 2005 and January 2006) to add environmental clearance and final design services for the Segment 4 101 Gap Closure Project bicycle/pedestrian path over Puerto Suello Hill and soundwalls, per the Measure A Expenditure Plan.

The performance time for the Nolte contract ends June 30, 2006. At this time, TAM is still in the process of hiring new staff which will perform many of the duties listed in TAM's draft 2006/07 Work Plan. Once new TAM staff are on board, the level of consultant on-call program and project management support needed by TAM will be reduced considerably.

Since the necessary staff isn't fully on-board yet, it is recommended to extend the Nolte contract for 6-months, to December 31, 2006, to maintain the consistency and institutional knowledge of the current team members until which time TAM's new staff are fully engaged. It is anticipated that TAM will release an RFQ for ongoing program and project management consultant services beyond December 31, 2006 in June 2006.

The status of the Nolte contract budget is as follows:

	Current Contract Budget	Approx. Actual Spent to Date (As of April 2006)	% Budget Spent
Program & Project Management (Original Contract Services)	\$1,380,000	\$1,120,000	81%
101 Gap Project Bike/Ped & Soundwall Environmental Clearance and Design Documents (Addendums 1 & 2)	\$1,462,400	\$900,000	62%

Adjustment to FY 2005-06 Work Elements

At this time, it is anticipated the current budget in FY 2005-06 may be exceeded by \$202,900 before the 18-month contract is up, due to the following unanticipated out-of-scope activities performed by the Nolte Team:

Program & Project Management:

1. Support to TAM staff on the Greenbrae Corridor projects. This effort was not contemplated in the original scope of services for the Nolte Team. Services provided included preparation of public involvement materials and community meeting support and development of an RFP for environmental and preliminary engineering consultant services. Services performed are funded by RM-2.
2. Extensive public involvement support was provided on the Hwy 101 HOV Gap Closure Project, which was not anticipated in the original contract.

101 Gap Project Bike/Ped Path & Soundwall Environmental Documentation and Design:

1. The Environmental Document re-evaluation scope changed to include noise studies for soundwall modifications, additional biological studies for a box culvert extension as well as a new storm water treatment area, and additional cultural resource efforts related to these areas and the east sound wall. Also, a separate environmental document was added for the "off site" storm water treatment area along U.S. 101 near the Civic Center.
2. An additional aerial deposited lead (ADL) study/report was added for those areas not previously proposed to be disturbed (east wall, Los Ranchitos Road, path near Stevens Place).
3. Planting final design for vines, development of architectural treatments for the east and west walls, and other trail elements such as fencing, signing, stamped asphalt.

FY 2006-07 Work Elements

- There is an additional amount of work anticipated on the Hwy 101 bike/ped path design, as well as ongoing construction management oversight of the work started in central San Rafael. These items include: R/W utility coordination; R/W easements from SMART and along eastside soundwall; additional design work; construction support during advertisement, and public outreach, envisioned over the next six months at \$172,500.
- Ongoing efforts to manage the Safe Access to Schools program elements are best managed by the Nolte team as we enter FY 2006-07. The Nolte team has effectively managed the crossing Guard contract development, and the Safe Routes program oversight up to this point in time. Over time, the TAM Planning and Project Delivery Managers will take over the management of these efforts, with some level of ongoing consultant support. The ongoing support is envisioned over the next six months to total \$60,000.

The Nolte team will continue to provide support in the areas of financial management, programming, and administration. This total cost is envisioned not to exceed \$230,000.

To include the additional work in FY 2005-06, as well as extend the Nolte contract 6 more months to December 31, 2006, providing on-going program & project management support services and providing support through the construction bidding phase for the bike/ped path and soundwalls included in the Segment 5, 101 Gap Closure Project, it is recommended to increase the Nolte contract by \$807,400.

A detailed scope of services is attached as Exhibit A – Addendum 3, Scope of Services.

Sufficient budget to cover the above contract services is available and indicated in the submitted documents for TAM's FY 2005/06 and 2006/07 budgets. It should be noted that the Nolte contract is for on-call services. Should TAM staff be fully up to speed earlier than anticipated, services under the Nolte contract may be reduced.

Recommendation: The TAM Board approve Addendum 3 to the Nolte Contract for additional services in the amount of \$807,400, for work indicated on Exhibit A to the Addendum.

Attachments:

1. Third Addendum to Agreement between TAM and Nolte Associates, Inc., dated May 25, 2006
2. Exhibit A – Addendum 3: Scope of Services

THIRD ADDENDUM TO AGREEMENT

**BY AND BETWEEN THE
TRANSPORTATION AUTHORITY OF MARIN
AND NOLTE ASSOCIATES, Inc., DATED March 24, 2005**

THIS THIRD ADDENDUM is made and entered into this 25th day of May 2006, by and between the Transportation Authority of Marin, hereinafter referred to as "TAM," and Nolte Associates, Inc., hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, TAM and the Contractor entered into an agreement for On Call Support Services dated March 24, 2005 ("Agreement"); and a First Addendum on October 27, 2005; and a Second Addendum on January 26, 2006 and

WHEREAS, Exhibit A to the Agreement obligated Contractor to provide on-call support services; and

WHEREAS, the parties desire to amend the Agreement to extend the contract performance time to December 31, 2006 to provide a continuation of on-call support services in the amount of \$807,400 for program and project management services and environmental clearance and design services for the north-south bicycle way through Puerto Suello and addition of sound-absorptive materials on soundwalls in the Segment 4, 101 Gap Closure Project.

NOW, THEREFORE, the parties agree to modify agreement as set forth below.

AGREEMENT:

1. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
2. Updated Certificate of Insurance(s) attached hereto.
3. Item 1. SCOPE OF SERVICES is hereby amended to read as follows: Add Contractor agrees to provide all of the services described in **Exhibit "A – Addendum 3"** attached hereto and by this reference made a part hereof.
4. Item 4. MAXIMUM COST TO TAM is hereby amended to read as follows: In no event will the cost to TAM for the services to be provided herein exceed the maximum sum of \$3,649,800.00 including direct non-salary expenses.
5. Item 6. CONTRACT PERFORMANCE TIME is hereby amended to read as follows: Change June 30, 2006 to December 31, 2006.

IN WITNESS WHEREOF, the parties hereto have executed this Third Addendum on the day first written above.

“TAM”

TRANSPORTATION AUTHORITY OF MARIN

By: _____
Chair

“CONTRACTOR”

By: _____
Thomas G. Kurkjian
Nolte Associates, Inc.

**TRANSPORTATION AUTHORITY OF MARIN
STANDARD SHORT FORM PERSONAL/PROFESSIONAL SERVICES
CONTRACT**

Exhibit A – Addendum 3
SCOPE OF SERVICES

Nolte Associates, Inc. (Contractor) provides consulting services to the Transportation Authority of Marin (TAM) for services described in Exhibit A to original contract, entered into on March 24, 2005. On October 27, 2005, Addendum 1 was approved and January 26, 2006, Addendum 2 was approved, both of which added additional on-call services for the environmental clearance and design of the bike/ped path over Puerto Suello Hill and soundwall sound absorptive treatment to be constructed as part of the Segment 4 101 Gap Closure Project.

The original contract term ended on June 30, 2006. Addendum 3 extends the contract term for 6 months, to December 31, 2006. Services to be provided are described below:

Program & Project Management Oversight (PMO) Services

On-call services as described under **Exhibit A**, original contract scope of services, will continue to be performed under the extended contract. In addition, the following tasks are included:

Phase 01 – General Services (Additional Tasks)

Financial Management: Additional services include assisting TAM in coordinating with the County of Marin Auditor-Controller's Office to transition to the SAP (Merit) Accounting system and will update invoicing procedures accordingly. Contractor will also assist TAM staff with the Citizens' Oversight Committee meetings. Specific efforts will include the following: providing agenda items; preparing meeting minutes; preparing quarterly Measure A revenue & expenditure reports; and coordinating the OC Annual Report effort. Additionally, Contractor will assist in preparation of financial strategies and policies related to debt financing and investments.

Public Outreach: Contractor will design stationary products and informational documents to support TAM's move to new office location.

Phase 02 – Strategic Plan (Additional Tasks)

Contractor will assist in the preparation of FY 06/07 annual report.

Contractor will prepare in updates to the revenue and expenditure element and assist in the preparation of any amendments to the Strategic Plan. Contractor will also assist in working with project sponsors on fund applications, allocations/disbursements and reporting documents.

Phase 04 – Strategy #2 – Hwy 101 Gap Closure (Additional Tasks)

Services performed under this task not covered in Exhibit A include working with all stakeholders to incorporate the bike/ped path and additional soundwall treatments into the Segment 4 construction contract, per the Measure A Expenditure Plan.

Additionally, extensive public outreach effort has been included under this task for this project, including supporting agency and public informational meetings. Also, during the construction phase, Contractor will work with Caltrans, supplementing their effort as necessary, to provide a public information program to outreach to businesses and the traveling public on the upcoming construction activities on Hwy 101.

Phase 06 – Strategy #4 – Reduce School Related Congestion (Additional Tasks)

Additional services under this phase include start up and management activities of the crossing guard consultant services contract.

Phase 07 – CMA Assistance (Additional Tasks)

Additional services include preparation of annual DBE submittal; providing as-needed assistance in preparing RFP's and coordinating the Performance Monitoring and CMP update efforts.

Task 08 – Greenbrae Corridor (New Task)

Work performed under this task not was not included in Exhibit A. Contractor supported TAM staff on the Greenbrae Corridor projects including public involvement materials and community meeting support and development of RFP for environmental and preliminary engineering consultant services. Services performed to be funded by RM-2.

Bike/Ped Path and Soundwall Sound Absorption Treatment Environmental Document & Design Services

The following additional services are provided which were not included under **Exhibit A – Addendums 1 and 2**, scope of services:

Tasks 100 – 400 (Additional Tasks)

1. The Environmental Document re-evaluation changed and additional services are provided to include noise studies for wall modifications, additional biological studies for the box culvert extension area as well as the new storm water treatment area, additional cultural resource efforts related to these areas and the east sound wall. Also, a separate document is now required for the "off site" storm water treatment area near the Civic Center.
2. Additional ADL study/report is added for those areas not previously disturbed (east wall, Los Ranchitos, Path near Stevens Place).
3. Planting design for vines (not previously included - only scoped schematic), plus architectural development of east and west walls, and other trail elements such as fencing, signing, stamped asphalt.
4. Additional coordination activities/meetings with Caltrans, SMART, City of San Rafael and other interest groups, beyond June.

5. Additional design activities to accommodate 1) Linden Breakaway Trail - Caltrans request to reverse (“flip-flop”) the alignments of the main trail and the breakaway trail; 2) East Soundwall – Caltrans comments requiring partial demolition and replacement of approx. ½ of the existing wall; and 3) bike path redesign for a temporary path north of Los Ranchitos, including streetlight and sidewalks.
6. Preparation of right of way engineering/exhibits for SMART property and properties near the east soundwall.
7. Additional utility relocation coordination (includes primary water, storm drain and electrical transmission lines).
8. Bid support services during the construction advertisement process.